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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD

Written statement*/ submitted by the International Centre for Human Rights and Democratic
Development, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[12 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental
organization(s).

The situation in Myanmar

1. In the year 2000, as in the past 12 years, the State Peace and Development Council (SPDC), Burma's ruling military junta, continues to be among the worst human rights violators of our times. Reported human rights violations included: extra-judicial, summary and arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, mass arrests, forced labour, forced relocation, and denial of freedom of assembly, association, expression and movement.
2. The SPDC continued to ignore the outcome of the election of 27 May 1990. It is widely considered that the National Convention convened by the military on 9 January 1993 is designed to prolong and legitimize its rule against the will of the people as expressed in the elections more than 10 years ago, and thus, violates the principle established in the Universal Declaration of Human Rights that the "will of the people shall be the basis of the authority of government."
3. The absence of respect for rights pertaining to democratic governance is at the root of all major violations of human rights in Myanmar (A/RES/C3./54/L.76). The key to progress toward democracy and respect of human rights is direct negotiations on the political future of the country between the SPDC, the National League for Democracy (NLD), and the ethnic minorities.
4. The SPDC continues not only to refuse to negotiate a transition to democratic rule but has recently shown a growing determination to dismantle the opposition. On 24 March 2000, U Aye That Aung, a member of the Committee Representing Peoples' Parliament (CRPP) who was representing four ethnic parties was arbitrarily arrested and sentenced to 21 years imprisonment. On two occasions in August and September 2000, SPDC forces prevented NLD officers, including Daw Aung San Suu Kyi, from travelling to meetings with party members outside Rangoon. The military used violence to turn them back home. They held Daw Aung San Suu Kyi and other executive committee members of the NLD under incommunicado house arrest, denying them access even to diplomats. They detained Vice Chairman U Tin Oo and U Naing Naing, MP from Pazundaung constituency and detained 18 other NLD members. The NLD Headquarters was raided and the SPDC security forces illegally took party document and thousands of NLD members were forced to resign from the party.
5. The right to education is highly restricted and students do not have equal access to education. While children of the military class can afford to attend military institutions, the civilian institutions are open on sporadically. In the past 13 years, universities were opened for a total of less than three years. When they are open changes are regularly imposed in the education system. Most students, especially those, who live in rural areas, are unable to attend any schools and institutions because of the extra fees required from them: school cleaning, examination papers, school uniform, sport and computer equipment, in-school tutoring and membership in the army-sponsored association – the Union Solidarity and Development Association (USDA). Students are strictly forbidden to participate in any anti-military activity and to form any student association. The leader of the student movement in 1988, Min Ko Naing, remains in jail despite the fact that he has completed his sentence and he is reportedly in ill-health.

The SPDC assigns high and growing budgets for military spending while the allocation of public resources for health, education and human development are kept extremely low. The World Health Report 2000 ranks Burma overall performance second-to-last in the world – 190th out of 191.

6. The SPDC continued to reinforce its rule through a pervasive security apparatus controlled by military intelligence. Press censorship continued to be strictly enforced. Ownership of fax machines and computers as well as access to the Internet without government permission is punishable by a prison term of seven to 15 years. The military did not allow local independent non-governmental organizations to operate in the country.

7. Military sexual slavery, especially against ethnic women, was common. SPDC soldiers raped women when they are detained for forced labour or “portering” or under the pretext of forced marriage. These practices constitute a violation of the Slavery Convention to which Burma became a party on 18 June 1927.

8. As a counterinsurgency measure, forced relocation of villagers in ethnic minority areas continues. After relocation, soldiers frequently burn homes, uproot crops, loot belongings left behind and lay landmines around the villages. Relocation sites become recruitment pools for forced labour, who are obliged to transport military equipment, and munitions, act as minesweepers, and work on infrastructure projects.

9. In June 1999, the International Labour Conference approved an unprecedented resolution that barred Burma from participating in any International Labour Organization (ILO) meetings, seminars and symposia until it implements recommendations of an ILO Commission of Inquiry which found that forced labour in Burma was “widespread and systematic”. On November 2000, the Governing Body of the ILO adopted a resolution calling for restrictive measures to compel the SPDC to meet its obligations, under Convention No 29 that Burma ratified in 1955. These measures include: Recommending to the ILO members (States, employers and workers) that they review their relations with Myanmar and take appropriate measures to ensure that such relations do not perpetuate or extend the system of forced or compulsory labour in that country; calling on international organizations working with the ILO to reconsider any co-operation they may be engaged in with Myanmar and, if appropriate, to cease as soon as possible any activity that could have the effect of directly or indirectly abetting the practice of forced or compulsory labour.

10. The country is facing a humanitarian crisis. The consolidation of the Burmese Army control over their border states through force relocations has a direct impact in creating a huge number of internally displaced peoples (IDP) and refugees. Hundred of thousands of IDP are hiding in the jungle or living in poor and harsh conditions at SPDC relocations sites. Some of them manage to escape and become new refugees in neighbouring countries.

11. Since 1991, the Third Committee of the UNGA and the UNCHR have adopted strong resolutions condemning the military rulers of Burma. The SPDC has not shown any significant signs of collaboration with the UN. As his predecessor, Mr. Yozo Yokota, Special Rapporteur

Rajsoomer Lallah , who was systematically denied access to Burma, has recently resigned from his position.

RECOMMENDATIONS

1. The UNCHR must take actions against the SPDC unless the junta: 1) accepts the visit of the new Special Rapporteur into the country and 2) takes concrete measures towards implementation of his recommendations.
 2. The UNCHR must fully support and implement the ILO resolution (ILC, 88th Session, Geneva May-June 2000).
 3. The UNCHR must extend its full support to the CRPP and with its decision of 16 September 2000 to draft a national Constitution which is fully in accord with the mandate given by the people in 1990, notwithstanding the SPDC law X/96 that states that anyone drafting a constitution without its approval is subject to a prison sentence of up to 20 years.
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